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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

12 COLLEGIUM FUND, LLC, SERIES 5, a Nevada)
13 limited liability company,) Case No.:
14 Plaintiff,)
15 v.)
16 WELL'S FARGO BANK, N.A. HOUSING AND)
17 URBAN DEVELOPMENT; ADELE KADANS;)
18 DOROTHY L. KEMP; DONALD R. KEMP;)
19 RAFAEL GIRALDO; LEONA MARTIN; and)
20 DOES I through X inclusive,)
21 Defendants.)

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NOTICE OF REMOVAL

22 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441(a), 1442(a)(1) and 1446, the
23 United States, by and through Daniel Bogden, United States Attorney for the District of Nevada, and
24 Troy K. Flake, Assistant United States Attorney, hereby files the instant Notice of Removal of the
25 above-captioned action to the United States District Court for the District of Nevada. In support
26 thereof, the United States submits as follows:

1 1. The Complaint in this matter was filed on August 6, 2013, in the District
2 Court for Clark County, Nevada. See Exhibit A.

3 2. On or about August 12, 2013, the U.S. Department of Housing & Urban
4 Development received a copy of the Summons and Complaint in this matter as well as the *Ex Parte*
5 Application for Temporary Restraining Order and Preliminary Injunction.

6 3. The United States Attorney's Office for the District of Nevada has not been
7 served.

8 4. The United States Attorney General has not been served.

9 5. The instant Complaint is a civil action. The Complaint seeks various forms of
10 relief in relation to certain property in which the United States maintains an interest pursuant to a
11 Deed of Trust recorded against the property on or about January 1, 2005. See Compl. at ¶¶ 2, 3. The
12 appropriate Federal defendant in this matter is the United States.

13 6. On August 8, 2013, Plaintiff filed an *Ex Parte* Application for Temporary
14 Restraining Order and Preliminary Injunction in the State Court case. See Exhibit B. A temporary
15 restraining order was granted on August 9, 2013. See Exhibit C. A hearing regarding the
16 preliminary injunction is scheduled for August 28, 2013.

17 7. This action is being removed to the United States District Court pursuant to 28
18 U.S.C. §§ 1441(a), 1442(a)(1) and 1446.

19 8. This cause of action is being removed to the Federal District Court within 30
20 days of receipt by the United States Attorney of the State court summons and Complaint.

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1 WHEREFORE, the United States gives notice that the above-captioned action filed in the
2 District Court, Clark County, Nevada, has been respectfully removed to this Honorable Court.

3 Dated this 27th day of August, 2013.

4 DANIEL G. BOGDEN
5 United States Attorney

6 /s/ Troy K. Flake
7 TROY K. FLAKE
8 Assistant United States Attorney

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1 **PROOF OF SERVICE**

2 I, Troy K. Flake, certify that the following individuals were served with copies of **NOTICE**
3 **OF REMOVAL** on August 27, 2013, by the below identified method of service:

4 U.S. Mail:

5 Aaron R. Dean, Esq.
6 THE DEAN LEGAL GROUP, LTD.
612 S. 10th Street
7 Las Vegas, NV 89101

8 /s/ Troy K. Flake
9 TROY K. FLAKE
10 Assistant United States Attorney

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